

MINUTE ITEM

5. APPLICATION OF ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO USE CERTAIN STATE SOVEREIGN LANDS, ALAMEDA COUNTY - W.O. 2232, P.R.C. 2370.9.

After consideration of Calendar Item 9 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

PURSUANT TO CHAPTER 1275, STATUTES OF 1949, THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE A PERMIT TO THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR USE AND OCCUPANCY OF THE FOLLOWING DESCRIBED PROPERTY FOR FLOOD-CONTROL PURPOSES:

A PARCEL OF PREVIOUSLY UNSOLD STATE SWAMPLANDS LYING WITHIN THE BOUNDARIES OF THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RIGHT-OF-WAY IN ALAMEDA COUNTY, ALSO BEING SITUATE IN THE NW $\frac{1}{4}$  OF THE NW $\frac{1}{4}$  OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 1 WEST, M.D.M., AND BOUNDED ON THE EAST AND NORTHEAST BY THE RANCHO AGUA CALIENTE, ON THE SOUTH BY SWAMP AND OVERFLOWED SURVEY NO. 125; AND ON THE WEST BY SWAMP AND OVERFLOWED SURVEY NO. 284 CONTAINING 1.5 ACRES MORE OR LESS.

Attachment

Calendar Item 9 (2 pages)

CALENDAR ITEM

9.

APPLICATION OF ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO USE CERTAIN STATE SOVEREIGN LANDS, ALAMEDA COUNTY - W.C. 2232.

The Alameda County Flood Control and Water Conservation District has applied for a permit to use certain swamp and overflowed lands of the State in the vicinity of Landing Road and Cushing Road in the City of Fremont, Alameda County, for flood-control purposes. Alameda County has surveyed and partially constructed a 200-foot flood-control channel at this location, extending southwesterly into San Francisco Bay, which is intended to relieve a serious flooding situation existing in this area during the annual rainy season. The channel at the location herein concerned will occupy a portion of unsold swamp and overflowed lands, consisting of approximately 1.5 acres. The request for this permit is pursuant to Chapter 1275, Statutes of 1949. By this Act the Alameda County Flood Control and Water Conservation District was created, and in Section 27 of the Act there is recited the following provision relating to occupancy of State lands by the Flood Control District:

"There is hereby granted to Alameda County Flood Control and Water Conservation District the right-of-way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, channels, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the District, the Board thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the District a permit to use such right-of-way and lands."

Field investigation has revealed that the flood-control channel has been constructed at the location herein concerned. The request from the Alameda County Flood Control and Water Conservation District has attached to it a plat of the area included in the request.

PURSUANT TO CHAPTER 1275, STATUTES OF 1949, IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE A PERMIT TO THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR USE AND OCCUPANCY OF THE FOLLOWING DESCRIBED PROPERTY FOR FLOOD-CONTROL PURPOSES:

A PARCEL OF PREVIOUSLY UNSOLD STATE SWAMPLANDS LYING WITHIN THE BOUNDARIES OF THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RIGHT-OF-WAY IN ALAMEDA COUNTY, ALSO BEING SITUATE IN THE NW $\frac{1}{4}$  OF THE NW $\frac{1}{4}$  OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 1

CALENDAR ITEM 9. (CONTD.)

WEST, M.D.M., AND BOUNDED ON THE EAST AND NORTHEAST BY THE RANCHO AGUA CALIENTE, ON THE SOUTH BY SWAMP AND OVERFLOWED SURVEY NO. 125; AND ON THE WEST BY SWAMP AND OVERFLOWED SURVEY NO. 284 CONTAINING 1.5 ACRES MORE OR LESS.